

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CARLYLE PHILLIP,	)	
Petitioner,	)	
	)	C.A. No. 04-11896-MLW
v.	)	
	)	
IMMIGRATION AND	)	
NATURALIZATION SERVICE,	)	
Respondent.	)	

ORDER

WOLF, D.J.

September 16, 2005

In its September 1, 2004 Order the Court ordered the service of Carlyle Phillip's petition for habeas corpus and, among other things, ordered that "[t]he Respondent shall provide the Court with at least 48 hours advance notice of any scheduled deportation or removal of petitioner." In its September 13, 2004 Return and Memorandum of Law in Support of Motion to Dismiss, at 5, the respondent recognized this obligation, stating "Petitioner remains in custody pending completion of arrangements for execution of his removal order, upon due notice to be provided the Court as directed in its Order dated September 1, 2004." In response to an inquiry by the Deputy Clerk, however, the court has been informed that Phillip was deported without the required notice to the Court and, therefore, in violation of the September 1, 2004 Order.

Accordingly, it is hereby ORDERED that:

1. The government shall, by September 30, 2005, file affidavits addressing why the court should not institute criminal contempt proceedings, including: what efforts were made to inform the Department of Homeland Security, Immigration and Customs

Enforcement of the notice requirement of the September 1, 2004 Order; the official(s) responsible for Phillip's deportation; the reason(s) why the required notice to the court was not given; whether other orders requiring notice to the District Court for the District of Massachusetts prior to deportation have been violated and, if so, when and in which case(s); what steps, if any, have already been taken to assure that such orders are not violated in the future; and what additional steps, if any, will be taken to assure that such orders are not violated in the future.

2. The pending motions (Docket Nos. 3 and 6) are MOOT.

\_\_\_\_\_/s/ MARK L. WOLF\_\_\_\_\_  
UNITED STATES DISTRICT COURT